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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/559,712

04/26/2000

Pratish R. Desai

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04/28/2006

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EXAMINER

WONG, ALLEN C

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/559,712

Applicant(s)

DESAI, PRATISH R.

Examiner

Allen Wong

Art Unit

2621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 10-20 and 22-29.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).


10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.


Allen Wong
Primary Examiner
Art Unit: 2621

Continuation of 11. does NOT place the application in condition for allowance because: Regarding pages 7-8 of applicant's remarks about claim 22, applicant argues that the prior art do not disclose the first and second segments corresponds to the same point in time. The examiner respectfully disagrees. The examiner respectfully disagrees. See the rejection below. Setogawa teaches that the user can select with the remote control 92 of figure 12 to select a point in time during playback of a DVD. Also, in column 6, lines 10-24, Setogawa discloses that the user have many options to select the desired presentation from a plurality of angles (ie. angles of a scene are derived from the same point in time). Also, in regards to applicant's amendment about selecting the A/V program that is different from said first point in time, Setogawa discloses, in column 5, lines 50-58, the use of different segments or chapters of the DVD in that each chapter is referred to different points in time of a DVD. Claim 22 discloses that the first segment or the second segment corresponds to the same one point in time, so, clearly, applicant's invention refers to the primary or secondary view that corresponds at that one point in time, ie. multiple angles. These multiple angles are obtained from that one point in time to obtain first and second segments, presentations or angles, and is taught in DeCarmo, and that Setogawa discloses the display of a desired presentation in fig.12 where a remote control is used for user input to directly select the display of one or more of the desired video presentation. Furthermore, the use of the display of images derived from viewing the different points in time (ie. chapters of a DVD) or different perspectives at the same point in time (ie. multiple angles) is considered well known in the art of the DVD technology, in that Setogawa, Watkins and DeCarmo all pertain to the same DVD display technological environment. Claim 11 is rejected for similar reasons.

Regarding page 8 of applicant's remarks, applicant contends that the prior art does not disclose that each of the presentations are actionable by the user. The examiner respectfully disagrees. In column 7, line 61 to column 8, line 23, DeCarmo's figure 5 teaches that the selected primary viewing angle or presentation can be viewed for playback in only the normal playback mode, on screen element 302, whereas the secondary angle or presentation can also be shown contemporaneous with the primary angle, on screen element 304, and the user can also select the secondary angle or presentation as the primary angle for playback if the user desires to see the alternative angle or presentation. Thus, DeCarmo discloses that each of the presentations are actionable by the user and there are first and second presentations or views.

Thus, the rejection is maintained.